

STAND. COM. REP. NO. 1066

Honolulu, Hawaii

MAR 25 2015

RE: S.C.R. No. 46
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Education, to which was referred S.C.R.
No. 46 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF
EDUCATION AND DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO
CONSIDER ALTERNATIVE PROGRAM STRUCTURES FOR THE LICENSING OF
PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOLS,"

begs leave to report as follows:

The purpose and intent of this measure is to request the
Department of Education and Department of Commerce and Consumer
Affairs, in collaboration with existing licensed private trade,
vocational, and technical schools in the State of Hawaii to review
the State's current licensing program for private trade,
vocational, and technical schools established pursuant to Act 89,
Session Laws of Hawaii 1996, as amended, and to consider
alternative licensing program structures or models that are in the
best interest of private trade, vocational, and technical schools,
and students in the State of Hawaii.

Your Committee received testimony in support of this measure
from the Department of Education and Department of Commerce and
Consumer Affairs.

Your Committee finds that the Department of Education is ill-
equipped to administer the licensure of private trade, vocational,
and technical schools due to its lack of understanding and
expertise in the field of post-secondary education. State
licensure of private trade, vocational, and technical schools is

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important for the protection of Hawaii students, and the licensure program should be administered by the state entity most qualified to ensure educational quality and consumer protection. More information is necessary to determine the best model for licensing private trade, vocational, and technical schools.

Your Committee has amended this measure by:

- (1) Deleting language regarding the training provided by private trade, vocational, and technical schools;
- (2) Adding language regarding section 302A-425, Hawaii Revised Statutes, which requires the Department of Education to license all private trade, vocational, and technical schools;
- (3) Adding language regarding Act 57, Session Laws of Hawaii 1998, which amended section 302A-425, Hawaii Revised Statutes, to clarify that the purpose of the licensing law is to protect consumers against false, deceptive, misleading, or unfair practices and to ensure adequate educational quality at private trade, vocational, and technical schools;
- (4) Adding language regarding the 2002 Auditor's report which stated that Act 57, Session Laws of Hawaii 1998, shifted the emphasis of the licensing law to consumer protection and brought into question the Department of Education's administration of the licensure of private trade, vocational, and technical schools;
- (5) Adding language stating that the Department of Education's primary responsibility is educating students in kindergarten through twelfth grade;
- (6) Clarifying that the Department of Education is unable to effectively administer the licensure of private trade, vocational, and technical schools due to its lack of understanding and expertise regarding the specialized curricula offered at these schools and lack of experience in providing post-secondary education and overseeing post-secondary institutions;
- (7) Adding language stating that the Department of Commerce and Consumer Affairs' primary responsibility is to



protect consumers and that the Department has experience in the licensure of professions and businesses;

- (8) Adding language requesting the Department of Education and Department of Commerce and Consumer Affairs to convene a working group to evaluate and review the State's current licensing program for private trade, vocational, and technical schools and removing the requirement that the two departments collaborate with existing licensed private trade, vocational, and technical schools;
- (9) Adding language requesting the working group to consider licensure procedures that protect consumers from false, deceptive, misleading, and unfair practices at private trade, vocational, and technical schools and ensure adequate educational quality;
- (10) Adding language requesting the working group to include interested stakeholders in the working group's discussions;
- (11) Adding the Auditor to the list of officials to receive certified copies of the resolution; and
- (12) Changing the title to read: "REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO EVALUATE THE LICENSING OF PRIVATE TRADE, VOCATIONAL, AND TECHNICAL SCHOOLS".

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 46, as amended herein, and recommends that it be referred to the Committee on Commerce and Consumer Protection, in the form attached hereto as S.C.R. No. 46, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Education,

Michelle N. Kidani

MICHELLE N. KIDANI, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 46	EDU, CPN	3/20/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KIDANI, Michelle N. (C)	✓			
HARIMOTO, Breene (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
KEITH-AGARAN, Gilbert S.C.				✓
KOUCHI, Ronald D.				✓
NISHIHARA, Clarence K.	✓			
THIELEN, Laura H.				✓
SLOM, Sam	✓			
TOTAL	6			3
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-family: cursive; font-size: 1.2em; margin-top: 5px;">Breene Hart</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 2px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes